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C O N F I D E N T I A L SECTION 01 OF 03 MOSCOW 001475

SIPDIS

E.O. 12958: DECL: 06/05/2019

TAGS: PGOV PREL MARR AF RS

SUBJECT: RUSSIA EAGER TO CONCLUDE AGREEMENT ON LETHAL  
TRANSIT TO AFGHANISTAN

MOSCOW 00001475 001.2 OF 003

Classified By: Political M/C Alice G. Wells for reasons 1.4 (b/d).

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MOSCOW 00001475 002 OF 003

¶ 6. (C) Aleksandr Dulenko, Counselor in the GOR Administrative Department, explained that the legal requirements for the transport of lethal cargo were accepted by France, Germany and Spain when concluding their individual lethal transit agreements with Russia. These requirements include:

-- Aircraft transporting lethal cargo are required to land in Russia for customs inspection that entails customs officials verifying that an aircraft's documentation is correct. Yelena Mayevskaya of the Federal Customs Service said that cargo would not be inspected unless there was reason to believe the aircraft carried something other than what was listed on the manifest. Russian legislation does not allow exemptions to this landing requirement, although GOR officials involved in the discussions thought a simplified procedure for checking documents could be reached in the case of U.S. transit flights.

-- Cargo transiting Russia is exempt from customs duties, although a fee is required for customs administration.

-- Aircraft crews do not require visas.

-- Aircraft transporting military personnel with their "personal arms" do not have to land for customs inspection. The example was given of an infantry company transported with mortars and anti-tank systems. The GOR would consider these the organic arms of the company and not require the flight to land. Asked to clarify the Russian text's exemption of "personal arms," the GOR delegation described light and small arms, such as service weapons, and "special logistical equipment" as mobile kitchens or other troop logistics.

-- Transport of lethal cargo requires advance customs service authorization. Blanket authorization for multiple flights carrying ammunition or other such general military material could be issued for a year. Single authorization would be made for flights carrying more specialized cargo.

-- Routes must be consistent with the advance authorization. The routes must correspond to major airports that can handle

the aircraft being used, including unscheduled stops for bad weather, provide refueling and servicing for the aircraft, and capable of handling potentially hazardous cargo. Neverov pointed out that Germany uses the same airfield for all transit flights that land in Russia, and based a support crew there.

¶17. (C) Mull raised U.S. concern over the need to have every flight transporting lethal cargo land in Russia for what amounted to a document check, which would significantly add to the time required for delivery and increase costs. Citing the U.S. arrangement with the Bahamas as an example, Mull asked if this requirement could be waived or the documents examined at the flights' point of departure. Neverov doubted the landing requirement could be waived since it was required by Russian law, and in force with Germany, France and Spain. He downplayed prospects that Russia would agree to a treaty provision overriding the domestic legislation requirement for lethal transit flights to land, but said that some flexibility might be found to address the U.S. concern.

#### Air Navigation Fees

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¶18. (C) Dmitri Savitskiy, Acting Director of the Russian Air Navigation Agency (ANA), explained that Russian law required levying fees for air navigation service regardless of whether aircraft were commercial or state. Without naming the U.S., Dmitri Mirko of the Russian Aviation Administration noted that the ANA already had "accumulated debt" and reiterated that waivers were not possible since the ANA was required to pay tax on the service rendered even if the air navigation fee was not paid. France, Germany and Spain accepted this requirement and paid air navigation fees for all their transit flights.

¶19. (C) Mull responded that the U.S. would not object to paying fees for chartered civilian flights, but reiterated that the U.S. did not recognize a government's right to impose fees on state flights. He asked if the GOR would consider covering the air navigation fees owed to the ANA as part of its contribution to stabilizing Afghanistan, and suggested that the U.S. could cap the number of daily flights at possibly three, thereby limiting the costs incurred by the GOR. Neverov replied that this proposal was a "legitimate question."

MOSCOW 00001475 003 OF 003

¶10. (C) Neverov said that Russia did not envisage any restrictions on the number of U.S. flights that would be allowed under the agreement, adding that the U.S. could send as many as were needed to "assist the effectiveness of the international force in Afghanistan," but asked for the projected volume of U.S. flights. While noting that no formal planning had begun, the U.S. delegation suggested that a minimum of 2-3 flights a day would likely be necessary to make the route feasible. Savitskiy explained that air navigation fees are calculated based upon the length of a route and path an aircraft takes through Russian airspace.

¶11. (C) Asked whether a legally binding and ratified agreement could contain exceptions to the GOR requirement for state flight charges, Neverov responded "great minds think alike." He confirmed that a ratified agreement would create a legal norm and that, in practice, the U.S. and Russia have allowed different procedures in the past. He emphasized that an international agreement would prevail over domestic legislation.

#### Next Steps

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¶12. (C) Mull undertook to provide written responses to the Russian text, but flagged the air navigation fees and requirement to land for customs inspections as obvious areas

of concern.  
BEYRLE